S.B. CIVIL WRIT PETITION NO.3511/2007
Doongar Chand
vs
State of Rajasthan & Ors.

DATE OF ORDER : - 12.7.2007

HON'BLE MR.PRAKASH TATIA,J.

Mr.Vinod Purohit,for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner's case is that he was allottee of land in tank bed area for temporary cultivation of Singhara crop from the year 1981 to 2000. Thereafter, the tank bed was given for fisheries purposes and it was given to various contractors by inviting tenders. According to learned counsel for the petitioner, originally the contract was given to one person, he died and that contract continued in the name of dead person and there were several irregularities in the contract of giving tank bed for fisheries contract.

Learned counsel for the petitioner submitted that the petitioner thereafter submitted several representations to various authorities including the Hon'ble Chief Minister for grant of tank bed area to the petitioner for Singhara crop or even for fisheries purposes. The petitioner's representation was sent to the District Collector by the office of the Hon'ble Chief Minister. The learned District Collector vide order dated 14th March, 2007 when received

the representation of the petitioner, he dismissed the representation on the same day without collecting any material and without holding any inquiry. It is submitted that thereafter on 18th May, 2007, a notice was published by the office of Zila Parishad, Banswara for giving contract for fisheries purposes. According to learned counsel for the petitioner, the petitioner immediately submitted the writ petition to challenge the tender notice as well as order of the Collector dated 14th March, 2007 (Annex.16). According to learned counsel for the petitioner after petitioner's filing of this writ petition the bid was finalized in pursuance of the notice inviting tender (Annex.17). Therefore, learned counsel for the petitioner submits that though the bid has been finalized, yet the petitioner very much challenges the action of the District Collector, who rejected the petitioner's representation without holding any inquiry and further challenging the notice inviting tender Annex.17. However, according to learned counsel for the petitioner, the petitioner himself gave his bid in response to the notice inviting tender dated 18th May, 2007 (Annex.17) and the petitioner's bid was not highest, therefore, the contract has been awarded to other person.

It is clear from the facts pleaded by the petitioner himself that he was a successful allottee for the tank bed area from 1981 to 2000. Since 2000 to 2007 the tank bed was controlled by the fisheries department and it was given on contract to other person

for almost seven years. This broad fact was taken note of by learned District Collector in its order dated 14th March, 2007 and, thereafter, the District Collector held that since the tank bed is fit for giving contract for fisheries purposes then there cannot arise any question of giving the tank bed for cultivation of Singhara crop. The petitioner failed to show any right under any law or under any assurance by which he can claim his right to take the tank bed for Singhara crop or even for fisheries purposes without giving bid and without being successful in that bid. From 1981 to 2000 if petitioner enjoyed the tank bed then that was only under lawful order only. The petitioner's end of said contract in the year 2000 terminated his all benefits, which he could have claimed for the tank bed area. Otherwise also how to deal with the tank bed area lies in the total discretion of administration. Further, the petitioner himself took chance of getting the contract and offered his bid to take contract in pursuance of notice inviting tender then now he cannot challenge the notice inviting tender. Therefore, I do not find any illegality in the action of the respondents.

Hence, the writ petition of the petitioner is dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-